

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEE CLAY,

Case No. 07-14634

Plaintiff,

DISTRICT JUDGE
ARTHUR J. TARNOW

v.

MAGISTRATE JUDGE
PAUL J. KOMIVES

CITY OF DETROIT, ET AL.,

Defendants.

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION
[114]

Before the Court is Defendants' Motion for Reconsideration [114].

At the December 10, 2009 hearing on Defendants' Motion to Set Aside Default [105], this Court denied Defendants' motion without prejudice to Defendants presenting documentation within one week demonstrating all attempts to schedule the depositions of Officers York and Perdue-Eaddy subsequent to Magistrate Komives' January 13, 2009 Report and Recommendation [81] that the depositions of the officers be completed by January 30, 2009. Defendants' subsequently filed the instant motion.

Local Rule 7.1(g)(3) provides that:

Generally, and without restricting the court's discretion, the Court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a

palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Here, Defendants have not shown any palpable defect in this court's order, as required by L.R. 7.1(g)(3). Defendants have not demonstrated that following the magistrate's January 13, 2009 report and recommendation [81] that the depositions be completed by January 30, 2009, Defendants made sufficient attempts at scheduling them before the court entered the default order on May 28, 2009. As this court previously concluded, it would not have defaulted Defendants had the depositions been completed prior to the entry of the May 28, 2009 default order [102].

Accordingly, Defendants' Motion for Reconsideration [114] is **DENIED**.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: January 8, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 8, 2010, by electronic and/or ordinary mail.

S/Lisa M. Ware
Case Manager